



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

Planning Board Meeting of April 18, 2019

Case No./Petitioner: ZRA-187 – Paul Goldenberg

Request: Amend Section 131.0.N.1 to require Age-restricted Adult Housing Conditional Uses with densities that exceed the base zoning district to have frontage on and direct access to a collector or arterial road.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

In 1988, “Housing for elderly and/or handicapped persons” was added to the Zoning Regulations as a Special Exception in seven residential zoning districts. The use allowed all dwelling unit types and was restricted to persons 60 years of age and older, or handicapped persons under the age of 60. The maximum allowed density was permitted to exceed the base zoning, as shown in the chart below, based on the assumption that this housing type would have less impact on public services such as schools and traffic due to the population’s age and smaller household size.

Zoning District	Maximum Dwelling Units Per Acre - Base Zoning District	Maximum Dwelling Units Per Acre – Special Exception
R	.33	2
R-ED	2	5
R-20	2	5
R-12	3	6
R-SC	4	8
R-SA-8	8	12
R-A-15	15	15

Among the conditions required for approval was that “the site shall have access to roads adequate for the traffic expected to be generated by the development,” and that “adequate access to medical services, shopping areas, recreational and other community services...shall be available.”

In 1993, the “Housing for elderly and/or handicapped persons” Special Exception was revised to require that “safe public road access” and “transportation to medical services, shopping areas, recreational and other community services” be available if not provided on-site. These requirements recognized the need for seniors to have access to goods and services via safe roads and through public transit service.

In 2001, the Age-restricted Adult Housing (ARAH) Conditional Use was created and replaced the “Housing for elderly and/or handicapped persons” Special Exception category (Council Bill 11-2001). The definition of Age-restricted Adult Housing reduced the minimum age requirement to 55 and allowed persons less than 55 to live in the dwelling unit in certain situations.

Age-Restricted Adult Housing: A development that contains independent dwelling units, each with a full kitchen that is designed for and restricted to occupancy by households having at

least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year.

The amendment also eliminated the requirements for “safe public road access” and “transportation to medical services, shopping areas, recreational and other community services.” The maximum allowed density was amended as shown below:

Zoning District	Maximum Units Per Net Acre
RC or RR	1
R-20 or R-ED	5
R-12	6
R-SC	8
R-SA-8	12
R-A-15	25

II. DESCRIPTION AND EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-187. The Petitioner’s proposed amendment text is attached as Exhibit A, Petitioner’s Proposed Text.

Age-restricted Adult Housing (ARAH) is permitted as a Conditional Use in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT zoning districts. The R-ED, R-20, and R-12 zoning districts predominantly apply to single family detached and semi-detached neighborhoods. Through the Conditional Use process, ARAH developments can include single family detached, semi-detached, attached, and multi-plex dwellings at densities that exceed the base zoning district by up to 150%.

The Petitioner contends that the increased traffic resulting from higher density development associated with ARAH is not appropriate within established low density, single family neighborhoods because it diminishes the walkability of these neighborhoods and encourages more reliance on the automobile. The Petitioner further asserts that requiring frontage and access to a collector or arterial road will help encourage “green, healthy, and walkable communities” by diverting traffic away from pedestrian friendly minor roads and increasing access to public transportation, jobs, shops, services, and other community resources.

Additionally, the ZRA encourages context sensitive redevelopment by considering the low-density character and infrastructure of surrounding neighborhoods.

SECTION 131.0.N.1 Age-restricted Adult Housing

Proposed Amendment:

Require Age-restricted Adult Housing Conditional Uses with densities that exceed the base zoning district to have frontage on, and direct access to, a collector or arterial road.

The justification for allowing higher density ARAH developments within single family neighborhoods was based on assumptions and demographics that have change over time. The first age-restricted land use was added to the Zoning Regulations in 1988 (ZB 849R) as “Housing for elderly and/or handicapped persons,” which restricted residency to persons 60 years or older. The use was allowed as a Special Exception in residential zoning districts at a density up to 250% or 2.5 times that of the base zoning. The additional density was based on the assumptions that dwelling unit size, peak hour traffic, and household size for residents over the age of 60 would be significantly less than typical households.

To support the density increase, the DPZ prepared a comparison of the size of “elderly” dwellings to typical single family detached dwellings in the R-ED and R-20 zoning districts. The analysis concluded that the standard “elderly” dwelling was 600 square feet and the typical single family detached dwelling was 1,500 square feet. Based on this analysis, DPZ proposed a density multiplier of 2.5 times the base zoning district. However, the single family attached dwellings in the most recent approved ARAH Conditional Use (BA-17-030C) were 2,187 square feet. Additionally, multiple ARAH Conditional Uses in process propose single family attached and detached dwellings that exceed 2,000 square feet. Given the change in development patterns and market conditions, the prior multiplier analysis no longer supports the ARAH density increase.

In 2001, ZRA-30/CB11-2001 replaced the “Housing for elderly and/or handicapped persons” Special Exception with the Age-restricted Adult Housing use, which reduced the minimum age requirement from 60 to 55. According to CDC data, the life expectancy for a person born in the United States in 1940 was 62.9; that life expectancy grew to 78.6 years for those born in 2017. This trend shows that in coming generations people will likely live longer than they do today, and it is important to plan ahead for their housing needs. Additionally, U.S. Census data shows that the average retirement age has increased from 62 in 1988 to 65 in 2018.

These changes suggest that residents in ARAH developments are likely to be active in the workplace and consequently impact peak hour traffic beyond that originally anticipated. The decrease in the minimum age requirement to 55 combined with changing demographics trends since 1988 warrants considering additional requirements for higher density age-restricted adult housing within established single family neighborhoods. The proposed ZRA to require frontage on and access to collector or arterial roads addresses these changes by reducing the impact of higher density developments on local residential roads.

ZRA-30/CB11-2001 also eliminated the requirement for “transportation to medical services, shopping areas, recreational and other community services.” ARAH developments on local residential roads further limits access to these resources. Requiring ARAH developments to have frontage on and access to a collector or arterial road will put these developments in closer proximity to public transit routes, sidewalks, and shopping/community services, which are more frequently found on major roadways.

III. GENERAL PLAN

The amendment protects existing neighborhoods by promoting compatible infill within Established Communities. It places higher density age restricted development in closer proximity to public transportation and community services and increases access to these resources. Therefore, the proposed amendment is in harmony with the following PlanHoward 2030 policies that promote housing for the county's senior population near public transportation and encourages compatible infill development in established neighborhoods.

POLICY 7.4

Enhance the accessibility and quality of existing and future transit services.

Implementing Action f.

Land Use Decisions. Establish and enhance policies and regulations that integrate land use decisions with connectivity and transportation accessibility.

POLICY 9.4

Expand housing options to accommodate the County's senior population who prefer to age in place and people with special needs.

Implementing Action d.

Transportation and Transit. Incorporate transportation options.

POLICY 10.1

Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments.

Implementing Action d.

Flexible Infill. Consider zoning modifications that would provide more flexibility in order to allow limited, compatible infill that enhances an existing community.

PlanHoward2030 also addresses the types of uses that are appropriate for each road classification. Collectors and arterials, the two road classifications related to this petition, are described as follows:

- **Principal Arterial:** Provides for efficient and uninterrupted travel across state and metropolitan areas through elimination of intersections and signals.
- **Intermediate Arterial:** Provides access between principal arterial highways and major streets in highly developed areas through the limitation of the type and number of access points from adjacent land uses.

- **Minor Arterial:** Provides interconnection between principal and intermediate arterials, as well as access to or through high density residential, commercial, retail, or industrial land areas.
- **Major Collector:** Provides primary access to an arterial road for one or more neighborhoods, as well as travel through neighborhoods from external points.
- **Minor Collector:** Connects local roads to one or more major collectors. Provides direct access to abutting properties and internal trips within a neighborhood.

Local roads provide access to abutting land uses and do not offer the level of access as higher capacity/classification roads.

IV. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the ZRA-187 be **APPROVED**.

Approved by:

 4-4-19
Valdis Lazdins, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

Exhibit A – Petitioner’s Proposed Text

CAPITALS indicates text to be added. [[Text in double brackets]] indicates text to be deleted.

SECTION 131.0: - Conditional Uses

Section 131.0.N .1.a. Age-restricted Adult Housing

A Conditional Use may be granted in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15 or R-APT District, for age-restricted adult housing, provided that:

- (1) Single-family detached, semi-detached, multi-plex, attached and apartment dwelling units shall be permitted, except that only detached, semi-detached, multi-plex and single-family attached units are permitted in developments with less than 50 dwelling units in the R-ED, R-20 and R-12 districts.
- (2) In the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, or R-APT Districts the development shall have a minimum of 20 dwelling units.
- (3) The maximum density shall be as follows:

Zoning District	Number of Dwelling Units in Development	Maximum Units Per Net Acre
R-ED and R-20	20-49	4
	50 or more	5
R-12	20-49	5
	50 or more	6
R-SC	20-49	7
	50 or more	8
R-SA-8	20 or more	12
R-H-ED	20 or more	10
R-A-15	20 or more	25
R-APT	20 or more	35

- (4) IF THE DEVELOPMENT RESULTS IN INCREASED DENSITY ACCORDING TO SUBSECTION (3) ABOVE, THE SITE MUST HAVE FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN